

**SECTION K - REPRESENTATIONS, CERTIFICATIONS, AND
OTHER STATEMENTS OF OFFERORS OR QUOTERS**

USCS-00-5019

TABLE OF CONTENTS

	<u>Page</u>
K.1 FAR 52.252.2 CLAUSES INCORPORATED BY REFERENCE (FEB 1998)	K-1
K.2 52.203-2 CERTIFICATE OF INDEPENDENT PRICE DETERMINATION (APR 1985)	K-1
K.3 52.204-3 TAXPAYER IDENTIFICATION. (JUN 1997)	K-2
K.4 52.209-5 CERTIFICATION REGARDING DEBARMENT, SUSPENSION, PROPOSED DEBARMENT, AND OTHER RESPONSIBILITY MATTERS. (MAR 1996)	K-4
K.5 DATA REQUIREMENTS (AOUSC 2000)	K-5
K.6 CONTRACTOR'S REMITTANCE OR CHECK MAILING ADDRESS	K-6
K.7 RESPONSIBLE OFFICIAL(S) WHO CAN RECEIVE NOTIFICATION OF AN IMPROPER INVOICE AND ANSWER QUESTIONS REGARDING THE INVOICE	K-6

**SECTION K - REPRESENTATIONS, CERTIFICATIONS, AND
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USCS-00-5019

K.1 FAR 52.252.2 CLAUSES INCORPORATED BY REFERENCE (FEB 1998)

This contract incorporates one or more clauses by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. Also, the full text of a clause may be accessed electronically at this/these address(es): <http://www.arnet.gov/far/>

<u>CLAUSE NUMBER</u>	<u>CLAUSE TITLE</u>	<u>DATE</u>
52.203-11	CERTIFICATION AND DISCLOSURE REGARDING PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS	(APR 1991)

**K.2 52.203-2 CERTIFICATE OF INDEPENDENT PRICE DETERMINATION
(APR 1985)**

a. The offeror certifies that -

- (1) The prices in this offer have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other offeror or competitor relating to (i) those prices, (ii) the intention to submit an offer, or (iii) the methods or factors used to calculate the prices offered;
- (2) The prices in this offer have not been and will not be knowingly disclosed by the offeror, directly or indirectly, to any other offeror or competitor before bid opening (in the case of a sealed bid solicitation) or contract award (in the case of a negotiated solicitation) unless otherwise required by law; and
- (3) No attempt has been made or will be made by the offeror to induce any other concern to submit or not to submit an offer for the purpose of restricting competition.

b. Each signature on the offer is considered to be a certification by the signatory that the signatory -

- (1) Is the person in the offeror's organization responsible for determining the prices being offered in this bid or proposal, and that the signatory has not participated and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above; or
- (2) (i) Has been authorized, in writing, to act as agent for the following principals in certifying that those principals have not participated, and will not

**SECTION K - REPRESENTATIONS, CERTIFICATIONS, AND
OTHER STATEMENTS OF OFFERORS OR QUOTERS**

USCS-00-5019

participate in any action contrary to subparagraphs (a)(1) through (a)(3) above _____
_____ (*insert full name of person(s) in the offeror's
organization responsible for determining the prices offered in this bid or
proposal, and the title of his or her position in the offeror's organization*);

(ii) As an authorized agent, does certify that the principals named in subdivision
(b)(2)(i) above have not participated, and will not participate, in any action contrary
to subparagraphs (a)(1) through (a)(3) above; and

(iii) As an agent, has not personally participated, and will not participate, in any
action contrary to subparagraphs (a)(1) through (a)(3) above.

- c. If the offeror deletes or modifies subparagraph (a)(2) above, the offeror must furnish
with its offer a signed statement setting forth in detail the circumstances of the disclosure.

K.3 52.204-3 TAXPAYER IDENTIFICATION. (JUN 1997)

(a) Definitions.

"*Common parent*," as used in this solicitation provision, means that corporate entity that owns or
controls an affiliated group of corporations that files its Federal income tax returns on a consolidated
basis, and of which the offeror is a member.

"*Taxpayer Identification Number (TIN)*," as used in this provision, means the number required by
the Internal Revenue Service (IRS) to be used by the offeror in reporting income tax and other
returns. The TIN may be either a Social Security Number or an Employer Identification Number.

(b) All offerors must submit the information required in paragraphs (d) through (f) of this provision to
comply with debt collection requirements of 31 U.S.C. 7701(c) and 3325(d), reporting
requirements of 26 U.S.C. 6041, 6041A, and 6050M and implementing regulations issued by the
IRS. If the resulting contract is subject to the reporting requirements described in Federal
Acquisition Regulation (FAR) 4.904, the failure or refusal by the offeror to furnish the information
may result in a 31 percent reduction of payments otherwise due under the contract.

(c) The TIN may be used by the Government to collect and report on any delinquent amounts
arising out of the offeror's relationship with the government (31 U.S.C. 7701(c)(3)). If the resulting
contract is subject to the payment reporting requirements described in FAR 4.904, the TIN
provided hereunder may be matched with IRS records to verify the accuracy
of the offeror's TIN.

**SECTION K - REPRESENTATIONS, CERTIFICATIONS, AND
OTHER STATEMENTS OF OFFERORS OR QUOTERS**

USCS-00-5019

(d) Taxpayer Identification Number (TIN).

☐ TIN:_____.

☐ TIN has been applied for.

☐ TIN is not required because:

☐ Offeror is a nonresident alien, foreign corporation, or foreign partnership that does not have income effectively connected with the conduct of a trade or business in the United States and does not have an office or place of business or a fiscal paying agent in the United States;

☐ Offeror is an agency or instrumentality of a foreign government;

☐ Offeror is an agency or instrumentality of a Federal Government;

☐ Other. State basis._____

(e) Type of organization.

☐ Sole proprietorship;

☐ Partnership;

☐ Corporate entity (not tax-exempt):

☐ Corporate entity (tax-exempt):

☐ Government entity (Federal, State, or local);

☐ Foreign government;

☐ International organization per 26 CFR 1.6049-4;

☐ Other _____.

(f) Common Parent.

☐ Offeror is not owned or controlled by a common parent as defined in paragraph (a) of this provision.

**SECTION K - REPRESENTATIONS, CERTIFICATIONS, AND
OTHER STATEMENTS OF OFFERORS OR QUOTERS**

USCS-00-5019

☐ Name and TIN of common parent:

Name_____

TIN_____

(End of Provision)

**K.4 52.209-5 CERTIFICATION REGARDING DEBARMENT, SUSPENSION,
PROPOSED DEBARMENT, AND OTHER RESPONSIBILITY MATTERS.
(MAR 1996)**

(a)(1) The Offeror certifies, to the best of its knowledge and belief, that--

(i) The Offeror and/or any of its Principals--

(A) Are ☐ are not ☐ presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency;

(B) Have ☐ have not ☐, within a three-year period preceding this offer, been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state, or local) contract or subcontract; violation of Federal or state antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property; and

(C) Are ☐ are not ☐ presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated in subdivision (a)(1)(i)(B) of this provision.

(ii) The Offeror has ☐ has not ☐, within a three-year period preceding this offer, had one or more contracts terminated for default by any Federal agency.

(2) "*Principals*," for the purposes of this certification, means officers; directors; owners; partners; and, persons having primary management or supervisory responsibilities within a business entity (e.g., general manager; plant manager; head of a subsidiary, division, or business segment, and similar positions).

**SECTION K - REPRESENTATIONS, CERTIFICATIONS, AND
OTHER STATEMENTS OF OFFERORS OR QUOTERS**

USCS-00-5019

THIS CERTIFICATION CONCERNS A MATTER WITHIN THE JURISDICTION OF AN AGENCY OF THE UNITED STATES AND THE MAKING OF A FALSE, FICTI-TOUS, OR FRAUDULENT CERTIFICATION MAY RENDER THE MAKER SUBJECT TO PROSECUTION UNDER SECTION 1001, TITLE 18, UNITED STATES CODE.

(b) The Offeror shall provide immediate written notice to the Contracting Officer if, at any time prior to contract award, the Offeror learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

(c) A certification that any of the items in paragraph (a) of this provision exists will not necessarily result in withholding of an award under this solicitation. However, the certification will be considered in connection with a determination of the Offeror's responsibility. Failure of the Offeror to furnish a certification or provide such additional information as requested by the Contracting Officer may render the Offeror nonresponsible.

(d) Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by paragraph (a) of this provision. The knowledge and information of an Offeror is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

(e) The certification in paragraph (a) of this provision is a material representation of fact upon which reliance was placed when making award. If it is later determined that the Offeror knowingly rendered an erroneous certification, in addition to other remedies available to the Government, the Contracting Officer may terminate the contract resulting from this solicitation for default.

(End of provision)

K.5 DATA REQUIREMENTS (AOUSC 2000)

a. In addition to the data (as defined in the clause at H.10, Data Rights - AOUSC 2000) specified elsewhere in this contract to be delivered, the Contracting Officer may, at any time during contract performance or within a period of three (3) years after acceptance of all items to be delivered under this contract, order any data first produced or specifically used in the performance of this contract.

b. When data are to be delivered under this clause, the Contractor will be compensated for converting the data into the prescribed form, for reproduction, and for delivery, except as otherwise stated elsewhere in the contract.

**SECTION K - REPRESENTATIONS, CERTIFICATIONS, AND
OTHER STATEMENTS OF OFFERORS OR QUOTERS**

USCS-00-5019

c. The Contracting Officer may release the Contractor from the requirements of this clause for specifically identified data items at any time during the three (3) year period set forth in paragraph (a) of this clause.

(End of clause)

K.6 CONTRACTOR'S REMITTANCE OR CHECK MAILING ADDRESS

Indicate your firm's remittance or check mailing address below.

**K.7 RESPONSIBLE OFFICIAL(S) WHO CAN RECEIVE NOTIFICATION OF AN
IMPROPER INVOICE AND ANSWER QUESTIONS REGARDING THE
INVOICE**

Indicate below the responsible official(s) who can receive notification of an improper invoice and answer questions regarding the invoice.

Name (if practicable) _____
Title _____
Address _____
Telephone Number _____

[END OF SECTION K]